



# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	08/776,350
Filing Date	April 18, 1997
First Named Inventor	MacLean et al
Group Art Unit	1642
Examiner Name	Ungar
Attorney Docket Number	620-73

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Declaration Pursuant to MPEP §608.01(p)I.A.2.; Declaration of Deposited Materials; Copy of U.S. Patent 6,040,169; Copy of WO 92/13943; Associate Power of Attorney; Rule 132 Declaration of Garth Cruickshank, Ph.D., FRCS; Associate Power of Attorney

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 14-1140
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) \$740.00
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) \$1440.00
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$2180.00 enclosed
- c. ☐ Payment by credit card (For PTO-2038 enclosed)

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	B. J. Sadoff	Registration No. (Attorney/Agent)	36,663
Signature		Date	April 5, 2002

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: April 5, 2002

Name (Print Type)	B. J. SADOFF	Date	April 5, 2002
Signature			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 620-73

MacLEAN et al

C# M#

Serial No. 08/776,350

Group Art Unit: 1642

Filed: April 18, 1997

Examiner: Ungar

Title: TREATMENT OF CANCER USING HSV MUTANT

Date: April 5, 2002

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 84.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$1440.00/4 months)

Terminal disclaimer enclosed, add \$ 110.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)

☐ Please enter the previously unentered, filed

☐ Submission attached

**Subtotal \$ 1440.00**

If "small entity," then enter half (1/2) of subtotal and subtract

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)

Assignment Recording Fee (\$40.00)

Other: Declaration Pursuant to MPEP §608.01(p)I.A.2.; Declaration of Deposited materials; Copy of U.S. Patent 6,040,169; Copy of WO 92/13943; Associate Power of Attorney; Rule 132 Declaration of Garth Cruickshank, Ph.D., FRCS; Associate Power of Attorney; RCE

**TOTAL FEE ENCLOSED \$ 2180.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYTE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: \_\_\_\_\_

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